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CURRENT DECISIONS

ADMIRALTY—STATE WORKMEN'S COMPENSATION LAWS MAY EXCLUDE ADMIRALTY FROM JURISDICTION.—An employer had taken out the necessary insurance to comply with the Workmen's Compensation Law of New York, under which his liability in that event was confined to the compensation fixed by that statute to the exclusion of any general liability arising from his duty as master to his servants. An employee being injured on shipboard brought a libel *in rem* in the Admiralty Court against the vessel upon which he was injured. *Held*, that under the United States Judicial Code, as recently amended (which amendments are constitutional), the employer was equally absolved from any liability arising under the maritime law. *The Steamlighter Howell* (1919, S. D. N. Y.) 61 N. Y. L. J. 454.

The course of decision as to the status of compensation laws in Admiralty has previously been noted in these pages. The New York Workmen's Compensation Law has been held to conflict with the Federal Constitution. *Southern Pacific Co. v. Jensen* (1917) 244 U. S. 205, 37 Sup. Ct. 524; (1917) 27 YALE LAW JOURNAL, 255. Congress thereupon amended that provision of the Judicial Code which saved to all suitors from the grant of admiralty jurisdiction the right of a common-law remedy where the common law was competent to give it, by adding the phrase "and to claimants the rights and remedies under the Workmen's Compensation Law of any State." See *ibid.* 924. This amendment was held valid and retroactive in *Cimmino v. Clark* (1918, App. Div.) 172 N. Y. Supp. 478; (1919) 28 YALE LAW JOURNAL, 281. The present case holds that the amendment is valid even if interpreted to act prospectively. The decision is the logical corollary to the holding that the amendment is valid. It is possible, however, that the United States Supreme Court may not agree with the interpretation here put upon the *Jensen* decision, namely, that Congress has the power to determine the extent of the grant of admiralty jurisdiction in the Federal Constitution. See (1918) 27 YALE LAW JOURNAL, 924, 926.

ATTORNEY AND CLIENT—ATTORNEY FOR DEFENDENT—FORMER REPRESENTATION OF PLAINTIFF.—In a suit for divorce the petitioner made application to compel the defendant's solicitor to withdraw from the case because he had been the petitioner's solicitor in a similar suit between the same parties which was dismissed by the court in 1912. The petitioner's alleged present cause for divorce was adultery committed in 1917, while the cross-petition stated that the petitioner had deserted the defendant for more than two years past. *Held*, that the application be denied. *Wilbur v. Wilbur* (1918, N. J. Ch.) 105 Atl. 664.

The decision was grounded on the fact that the matters pleaded in the former suit were *res adjudicata* and could not be projected into the present case because both petition and cross-petition set up causes of action which arose subsequent to the termination of the relation of attorney and client between the petitioner and the solicitor for the present defendant. See *The Duties of Attorney*, by Hon. Edwin B. Gager (1911) 21 YALE LAW JOURNAL, 72.

CONSTITUTIONAL LAW—BILLBOARD RESTRICTIONS—OBLIGATION OF CONTRACTS.—The defendant city enacted an ordinance which limited the area of a billboard to four hundred square feet and the height above ground to fourteen feet. It required a space of four feet between a billboard and the ground and forbade the construction nearer than six feet to a building, or two feet to another billboard, or fifteen feet to the street line. The plaintiff sued to restrain the enforcement of this ordinance, claiming that it was in violation of the Fourteenth